

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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STEVEN A. BAILEY,

Plaintiff,  
v.

Case No. 24-cv-517-pp

MICHAEL WEILAND, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO  
FILE SECOND AMENDED COMPLAINT (DKT. NO. 47)**

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Plaintiff Steven A. Bailey has asked for additional time to file a second amended complaint. Dkt. No. 47. He says that Columbia Correctional Institution, where he is incarcerated, has been on lockdown since March 10, 2025. Id. He says that because of the lockdown, he has been unable to use the law library. Id. He also says that he has been diagnosed with dyslexia, which makes it difficult for him to read, write and complete papers to send to the court. Id. He says he has help from other incarcerated persons with writing his mail and completing his documents. Id. The motion is not signed, and the plaintiff does not say how much more time he needs to file a second amended complaint. Id.

The court will deny the plaintiff's motion for several reasons. First, the plaintiff did not sign it. Under Federal Rule of Civil Procedure 11(a), parties must sign every pleading, written motion and other paper that they file with the

court. The plaintiff may receive assistance from other incarcerated persons, but he still must sign all papers before submitting them to the court.

Second, there is no deadline the court to extend. Because the plaintiff already has filed an amended complaint, he may file a second amended complaint “only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). If the plaintiff chooses to file a second amended complaint, he must file a motion, asking the court’s permission to do so. If the plaintiff files such a motion, he must comply with the court’s local rules. Civil Local Rule 15 (E.D. Wis.) requires someone who is asking the court for permission to file an amended complaint to “reproduce the entire pleading [complaint] as amended,” attach the proposed amended complaint to the motion and “state specifically what changes are sought by the proposed amendments.” Civil L.R. 15(a)–(b). If the plaintiff does not comply with these rules, the court will deny any his request for permission to amend. See McCurry v. Kenco Logistics Servs., LLC, 942 F.3d 783, 787 n.2 (7th Cir. 2019) (district courts may strictly enforce local rules against *pro se* parties).

Finally, the court advises the plaintiff to think about whether he really needs to file a second amended complaint. If the plaintiff does file a motion to file a second amended complaint, it will take additional time for the court to review that motion, determine whether he may proceed on his second amended complaint and screen his second amended complaint. This will again delay progress in the plaintiff’s case. The court already has screened the plaintiff’s *first* amended complaint, reinstated two dismissed defendants, added four new

ones and ordered the U.S. Marshals Service to serve a copy of the amended complaint on all officers. Dkt. No. 41. The plaintiff now is proceeding on claims under the Fourth and Fourteenth Amendments against all named officers. It is unclear what more he believes he needs to say about the events he has described in his first amended complaint.

If, after thinking about it, the plaintiff nonetheless asks the court for permission to file a second amended complaint, he should be aware that the court has the authority to deny him that permission for several reasons, including “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.” Foman v. Davis, 371 U.S. 178, 182 (1962).

The court **DENIES** the plaintiff’s motion for an extension of time to file a second amended complaint. Dkt. No. 47.

Dated in Milwaukee, Wisconsin this 2nd day of April, 2025.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**Chief United States District Judge**